

OFFICE OF  
GENERAL COUNSEL



2018 AUG 31 AM 9:43

August 8, 2018

Federal Election Commission  
1050 First Street, NE  
Washington, DC 20002  
Attn: Office of Complaints Examination

MUR # 7492

Re: Complaint Against Ben McAdams and Friends of Ben McAdams  
Filed Pursuant to 52 U.S.C. § 30109(a)(1)

To the Federal Election Commission,

This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Ben McAdams and Friends of Ben McAdams have violated the Federal Election Campaign Act ("FECA" or "the Act"), as amended, 52 U.S.C. § 30101 *et seq.* As detailed below, we bring to the Commission's attention two instances of illegal and/or unreported contributions accepted by Ben McAdams and Friends of Ben McAdams.

Ben McAdams is a candidate for the United States House of Representatives and is the Mayor of Salt Lake County. McAdams' principal campaign committee is Friends of Ben McAdams (C00658633).

**1. Friends of Ben McAdams Has Reported No Disbursements Related to the "Ben Bus"**

McAdams' primary campaign gimmick is the so-called "Ben Bus." He used the "Ben Bus" in his 2012 and 2016 Salt Lake County ("SLC") mayoral campaigns, and he is using it once again in his current congressional campaign.

A photograph of McAdams' 2012 SLC mayoral campaign bus appears below:



The so-called "Ben Bus" is also featured in this 2012 video, <https://vimeo.com/54618658>.

During his past SLC mayoral campaigns, McAdams reported several payments related to the "Ben Bus." For example, in September 2012, McAdams reported a payment of \$2,680 to Shawn Merritt for "Bus." In September 2016, McAdams reported multiple expenses for "Ben Bus – Maintenance/Repair" (\$3,405.84, \$107.05, \$3,753.11, \$346.32) and "Ben Bus – Fuel" (\$14.11 and \$100).<sup>2</sup>

In connection with his current campaign for the U.S. House, McAdams is using what clearly is the same bus, albeit with a new "wrap" or campaign decal on the side. The photo below is from McAdams' Twitter feed, dated July 6, 2018:

<sup>1</sup> See

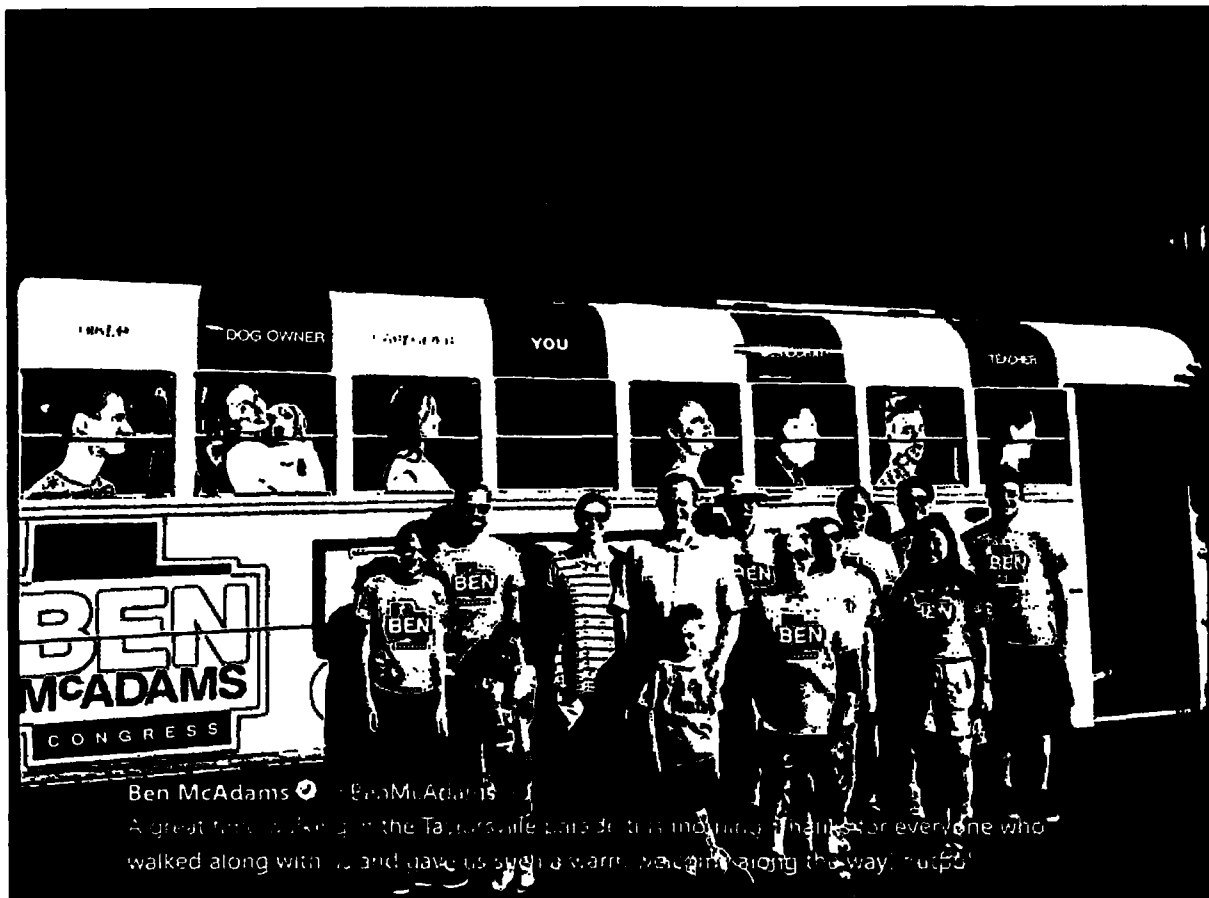
[https://slco.org/clerk/financialDisclosurePDF/2012Disclosures/August September/McAdams B 12 Sept Interim CntyMyr Redacted.pdf](https://slco.org/clerk/financialDisclosurePDF/2012Disclosures/August%20September/McAdams%2012%20Sept%20Interim%20CntyMyr%20Redacted.pdf).

<sup>2</sup> See

[https://slco.org/uploadedFiles/depot/fClerk/elections/financial disclosure/2016 disclosures/september/Ben%20McAdams Redacted.pdf](https://slco.org/uploadedFiles/depot/fClerk/elections/financial%20disclosure/2016%20disclosures/september/Ben%20McAdams%20Redacted.pdf).



We are unable to identify any reported payments on FEC reports filed by Friends of Ben McAdams that are comparable to the bus-related payments referenced above. McAdams' July quarterly report shows no payments for bus rental, new campaign wrap, bus maintenance, or even fuel – even though the McAdams campaign used the bus pictured above during the most recent reporting period (April 9 through June 30, 2018). The photo below is dated June 30:



By all outward appearances, the McAdams campaign has received one or more in-kind contributions in connection with the “Ben Bus” and has failed to report those contributions. Who owns the Ben Bus, who is paying for the Ben Bus, and why has the McAdams campaign not reported those payments?

## 2. Contributions in The Name of Another

John and Kristi Cumming, adults residing in Utah, have both given the maximum permissible contribution to Ben McAdams’ campaign for the U.S. House on April 30, 2018. *Their minor children also have contributed the following maximum permissible amounts to Ben McAdams’ campaign:*

Quinn Cumming: \$2,700 to the convention (4/28/18), and \$2,700 to the general (4/30/18).

Shane Cumming: \$2,700 to the convention (4/28/18), and \$2,700 to the general (4/30/18).

Carina Cumming: \$2,700 to the convention (4/28/18) and \$2,700 to the general (4/30/18).

FEC records show that Quinn Cumming has previously contributed much smaller amounts to ActBlue and Melissa Gilbert, while Carina Cumming and Shane Cumming have made no other federal contributions requiring itemization. Shane Cumming is believed to be 16 or 17 years old, while Carina and Quinn Cumming are believed to be 13 or 14 years old.

We acknowledge that it is possible that these contributions were lawfully made under Commission regulations. However, the Utah Democrat Convention was held April 28, 2018. Given the timing, the maximum contributions involved, the fact that the parents are contributors, and the fact that two of the children have never given before, and the third has contributed only small amounts in the past, it is more likely that these contributions were made in the name of another and are properly attributed to one or both of the children's parents.

We request that the Commission find reason to believe that Ben McAdams and Friends of Ben McAdams have violated FECA and conduct an immediate investigation pursuant to 52 U.S.C. § 30109(a)(2), and thereafter impose appropriate penalties and sanctions for all violations.

Sincerely,  
Scott Miller  
Chair, Salt Lake County Republican Party

VERIFICATION

The complainant named below hereby verifies that the statements made in the attached complaint are, upon information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

Scott D. Miller

Scott D. Miller 8/28/18  
Name

State of Utah)

§

County of Salt Lake

Sworn to and subscribed before me this 28<sup>th</sup> day of August 2018.

Witness my hand and official seal.

D. A. Shah  
Notary



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